

<div>CITY OF SAN JOSÉ, CALIFORNIA Department of Planning, Building and Code Enforcement 801 North First Street, Room 400 San José, California 95110-1795</div> <div>STAFF REPORT</div>	Hearing Date/Agenda Number P.C. 4-23-03 Item: 3.d.
	File Number CP02-057
	Application Type Conditional Use Permit
	Council District 9
	Planning Area Edenvale
	Assessor's Parcel Number(s) 45812033

PROJECT DESCRIPTION			Completed by: Dipa Chundur
Location: East side of Pearl Avenue approximately 220 feet southeasterly of Adamo Drive			
Gross Acreage: 9.27	Net Acreage: 9.27	Net Density: n/a	
Existing Zoning: R-1-1	Existing Use: Church and private school		
Proposed Zoning: No change	Proposed Use: Additions to an existing private school and church totaling 20,500 square feet		

GENERAL PLAN		Completed by: DC
Land Use/Transportation Diagram Designation Public/Quasi-Public	Project Conformance: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> See Analysis and Recommendations	

SURROUNDING LAND USES AND ZONING		Completed by: DC
North:	Multi-family attached residential	R-1-8 and R-M Residence
East:	Multi-family attached residential & daycare center	A(PD)
South:	Single-family detached residential	R-1-1
West:	Erikson School (Public)	R-1-8

ENVIRONMENTAL STATUS		Completed by: DC
<input type="checkbox"/> Environmental Impact Report <input type="checkbox"/> Negative Declaration circulated on <input type="checkbox"/> Negative Declaration adopted on	<input checked="" type="checkbox"/> Exempt <input type="checkbox"/> Environmental Review Incomplete	

FILE HISTORY		Completed by: DC
Annexation Title: Robertsville No.23		Date: 10/10/1969

PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION		
<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Approval with Conditions <input type="checkbox"/> Denial	Date: _____	Approved by: _____ <input checked="" type="checkbox"/> Action <input type="checkbox"/> Recommendation

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OWNER/APPLICANT/DEVELOPER

Roman Catholic Bishop of San Jose  
900 Lafayette Street #301  
Santa Clara, CA 95050

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PUBLIC AGENCY COMMENTS RECEIVEDCompleted by: **Dipa Chundur**

Department of Public Works

See attached memo

Other Departments and Agencies

Fire Department

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GENERAL CORRESPONDENCE

None received

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ANALYSIS AND RECOMMENDATIONS

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**BACKGROUND**

The applicant, Roman Catholic Welfare Corporation of San Jose, is requesting a Conditional Use Permit to allow several improvements to the existing Holy Family Church and Educational Center. The project generally consists of the following actions:

- Construction of a new 9,500 square feet of junior high classroom building with six classrooms and restroom facilities ,
- Construction of a new 10,000 square feet multi-purpose building to include a kitchen and cafeteria, new library, and new computer lab,
- Demolition of existing portable classroom buildings and the pavilion,
- Restriping, installation of medians and landscaping, and other alterations to the existing parking lot resulting in 32 new additional parking spaces, and
- Interior renovation of the existing church, including a 1,000 square feet foyer expansion and the addition of up to 128 seats in the existing worship space based on provision of new parking spaces.

The classroom and multi-purpose buildings are intended to replace and enhance existing school facilities. No expansion in use or increase in student enrollment is proposed with the project. The current school capacity is 655 students.

The subject property is located at the east side of Pearl Avenue approximately 220 feet southeasterly of Adamo Drive, on a 9.27 gross acre site in the R-1-1 Residence Zoning District. The property is bounded by apartments to the north and single-family houses to the south. A day care center and apartments are located to the east. Erikson School is located to the west across Pearl Avenue.

The existing site is flat and has a deep, rectangular shape with the church related structures located near the front. The site has a small parking area located near the front of the property with a larger parking area located behind the existing primary church structure. Since 1985, the church has operated an existing kindergarten through 8<sup>th</sup> grade school contained within five (5) buildings located toward the rear area of the site away from the street. The proposed multi-purpose building will replace an existing portable building. Two existing structures proposed for removal are an open-air canopy structure and a portable classroom building. Neither structure has any historic value.

Additions to private schools require a conditional use permit in the conventional residential zoning districts. The new school-related additions are generally located towards the rear of the site in areas between the existing school buildings. The small church addition is also proposed adjacent to the south building elevation of the main sanctuary structure. Only the classroom buildings are proposed for construction at this time. The multi-purpose building and church addition represent future phases in the long-term build-out of the property. Architectural details have not been established at this time. Specific architectural approval of these improvements will be subject to further discretionary review with appropriate development permits prior to issuance of building permits.

## **ENVIRONMENTAL REVIEW**

The Director of Planning has determined that this project is exempt from further environmental review under the provisions of the California Environmental Quality Act (CEQA). CEQA Guidelines include an exemption (Section 15314) for minor additions to existing schools within existing school grounds where the addition does not increase original student capacity by more than 25% or 10 classrooms, whichever is less. The proposed project would add seven (7) new classrooms to alleviate the currently crowded conditions, but would not allow an increase in student enrollment.

An Initial Study was prepared and submitted with the project application. The analysis concluded that the project would have a less than significant impact or no impact with respect to air quality, biological resources, cultural resources, geology and soils, water quality, traffic and noise. The proposed project includes the construction of new buildings, but does not increase the existing intensity of the use in that there is no increase in the number of existing students. Therefore, the project does not have any potentially significant environmental impacts. A traffic report was not required. The project includes mitigation to ensure no temporary impacts during construction.

A noise report was prepared to evaluate whether the reconfiguration of the existing playfield would cause any significant increase in the noise impacts on adjacent residential uses. Since the number of students is not being increased, the use of the playfields is not expected to intensify. The exposure to the number of adjacent housing units will not increase. Furthermore, the project is beneficial in that some existing noise generating activities, such as the open air eating pavilion, outside student activity around Building F, and mechanical equipment, will be reduced. Based on the above, the noise consultant concluded that there would not be a significant increase in noise impacts as a result of this project.

## **GENERAL PLAN CONFORMANCE**

The proposed school buildings in conjunction with an existing church and private school use is consistent with the San Jose 2020 General Plan Land Use/Transportation Diagram designation of Public/Quasi-Public.

## ANALYSIS

The key issues analyzed as part of this project include; 1) school and church operational issues, 2) site design and landscaping, 3) parking, and 4) building design.

### School and Church Operational Issues

A key consideration with this type of project is ensuring that the church use does not conflict with the school use in such a manner that would result parking shortages or other noise impacts and/or nuisances on the adjacent neighborhood. Careful review of the hours of operation for the specific uses on the site and their parking demands have been evaluated with this proposal consistent with past practices and City approvals for other similar projects. Limitations have been placed on the project to limit the capacity of the school and sanctuary. Additionally, limitations have been placed on the simultaneous use of various facilities on the site such as the use of the church sanctuary and the school at the same time so that adequate on-site parking can always be provided.

Although the operating hours for uses are restricted to 6:00 a.m. to 12:00 midnight by City ordinance, the applicant has indicated that the actual use of the property will be more limited in hours of operation. Listed below is the applicant's proposal for operating hours.

*Hours of Operation proposed for the uses related to the Church and School site:*

School: 8:00am to 3:00pm on weekdays and some after hour events.

Community Center: Evening and weekends only

Church: Weekday: 7:30am mass; Saturday: 8:30am, 5:30pm, 7:30pm masses;

Sunday: 8:00am, 9:30am, 11:15am, 6:00pm masses.

The table below illustrates the existing and proposed square footage. It should be noted that the parking requirements for churches and schools are not directly related to the size of the building as is the case for other types of uses such as retail or offices. For more information regarding the parking requirements, see parking section under the analysis below.

<b>BUILDING USES</b>	<b>EXISTING SF (NET)</b>	<b>PROPOSED SF(NET)</b>
CHURCH	9,256	10,106
PARISH OFFICES	7,657	SAME
COMMUNITY CENTER	12,266	SAME
CLASSROOM BUILDING A/B	5,338	SAME
CLASSROOM BUILDING C/D	6,035	SAME
CLASSROOM BUILDING E	3,060	SAME
GYM	7,268	SAME

PORTABLE BUILDING	5,508	DEMOLISHED
OPEN-AIR PAVILLION	4,696	DEMOLISHED
NEW CLASSROOM BUILDINGS	N/A	8,075
NEW MULTIPURPOSE BUILDING	N/A	8,500

### Site Design & Landscaping

The classroom and multi-purpose building are proposed to be located at the east end of the site between the existing classroom buildings and the playground. The multi-purpose building will be located to the south of the new classroom building, 25 feet from the residences on the south, which is consistent with the setback identified in the City's Church Location Policy. The existing playground will be slightly re-oriented as part of this project which will reduce the amount of interface with the adjacent houses to the south.

In addition to the proposed buildings, several significant upgrades to the site's layout and configuration are included within the scope of this project. The existing pavilion between the old and new classroom would be demolished and replaced with a new open plaza/gathering area. The amount of landscaping provided along the site's street frontage and the parking lots will be considerably enhanced. Additional landscaping along the interior property lines will also improve the interface between this site and the adjacent residential properties. The parking lot between the school and church on the north is upgraded and through reconfiguration and new landscaping. The applicant had requested phasing the landscaping and parking lot improvements. Staff is supportive of a concept that would allow the competition of all such improvements within one year of occupancy of the first classroom

### Parking

The proposed project will provide a total of 227 parking spaces. Since the school and church sanctuary will not be used simultaneously, the project will provide more than the required amount of parking as identified in the Zoning Ordinance for the individual uses. Based on the ordinance requirements for the church, the project is required to provide 1 parking space for every 6 linear feet of pew length resulting in a requirement for 177 spaces. This will accommodate a sanctuary capacity of 708 people. Based on available parking, the property can accommodate another 200 people as part of Sunday school or other simultaneous weekend assembly uses. The church maintains approximately 9,000 square feet of administrative offices that will have primary operating hours during the weekdays. Since this use will not conflict with the peak parking demand period which occurs on weekends, more than adequate parking is provided to accommodate this use within the church parking area. A total of 50 parking spaces are required for the other assembly or meeting areas associated with the church. For K-8 schools, the required parking ratio is one (1) space for each teacher and staff person resulting in the need for 52 parking spaces for the school component. Although the simultaneous use of the church sanctuary and the school are not allowed, the other assembly areas may be used in conjunction with the school.

### Building Design

The new buildings are very internalized within the site and will generally not be visible from public streets. The existing classroom buildings, built in the late 1960's are low rise one-story structures with small mansard (sloped) roof elements. Rather than matching the existing architecture, the proposed classroom building has been designed to

blend with and complement the existing buildings on the site. The proposal provides an updated, modern design at will improve the appearance of the project. The height of the new single-story classroom building varies from 11 to 20 feet.

The proposed maximum height of the multi-purpose building is 35 feet consistent with the current zoning requirements. The proposed setback of 25 feet is consistent with the City's Church Location Policy which identifies this setback as appropriate for new church-related structures. Since the multi-purpose building and small church addition will occur as a future phase, the specific architectural design has not yet been developed. However, the final design will be subject to review under a subsequent Conditional Use Permit Amendment. It is staff's expectation that the new multi-purpose building include a design that is low in profile as possible and a well articulated residential roof form since it is relatively near existing single-family houses. Additionally, the small church addition should be thoughtfully integrated and blend well with the existing design so that it will not appear as an addition or afterthought. These two project additions were included as part of the site design for "master planning" purposes so that parking and use separation issues could be evaluated under this permit and to facilitate more focused and expedited design review upon completion of final architectural designs.

## **PUBLIC OUTREACH**

A community meeting for the project was held on June 11, 2002. Planning Staff was present at the meeting. No significant issues or concerns were raised at the meeting. Notices for the community meeting and for the public hearing were distributed to the owners and tenants of all properties located within 500 feet of the project site, which includes both the school and the church. Staff has been available to discuss the project with members of the public.

## **RECOMMENDATION**

The Planning staff recommends that the Planning Commission approve the requested Conditional Use Permit and include the following facts and findings in its Resolution.

The Planning Commission finds that the following are the relevant facts regarding this proposed project:

1. This site has a designation of Public/Quasi-Public on the adopted San José 2020 General Plan Land Use/Transportation Diagram
2. The project site is located on a 9.27-gross-acre parcel in the R-1-1 Residence Zoning District.
3. The project site is currently developed with a church and a private K-8 school with a capacity for 655 students.
4. The proposed project consists of a 9,500 square feet of classrooms comprising seven (7) new classrooms, an addition of a 10,000 square feet future multipurpose building and a 1,000 square feet expansion to the existing church.
5. The proposed building will not facilitate an increase in the number of students at the school nor allow an

increase in the current number of enrolled students.

6. Additions to private schools are a conditional use in the City's residential zoning districts.
7. Under the provisions of Section 15314 of the State Guidelines for Implementation of the California Environmental Quality Act (CEQA), this project is exempt from the environmental review requirements of Title 21 of the San José Municipal Code, implementing the California Environmental Quality Act of 1970, as amended in that the addition does not increase original student capacity by more than 25% or 10 classrooms, whichever is less. The project will not have a significant adverse effect on the environment.
8. The proposed project includes a new multi-purpose building with a minimal property line setback of 25 feet.
9. The proposed classroom buildings will be located over 100 feet from the nearest property line.
10. The Church Location Policy recommends that new structures be placed at least 25 feet from existing property lines.
11. The proposed project conforms to the setbacks of the R-1-1 Residence Zoning District.
12. The proposed project includes 227 parking spaces.
13. Based on the Zoning Ordinance requirements, 177 parking spaces are required for the church, 50 parking spaces area required for the other assembly areas, 52 parking spaces are required for the school.
14. The project does not allow the simultaneous use of the church sanctuary and the school.
15. This permit includes the demolition of two existing structures including an open air pavilion and a portable building neither of which has historical value.

This Planning Commission concludes and finds, based upon an analysis of the above facts that:

1. The proposed project is consistent with the site's designation of Public/Quasi-Public on the adopted San José 2020 General Plan Land Use/Transportation Diagram of the City of San José.
2. The proposed project complies with applicable provisions of the Zoning Ordinance.
3. The project conforms to the Church Location Policy.
4. The proposed project is in compliance with the California Environmental Quality Act.

Finally, based upon the above-stated findings and subject to the conditions set forth below, the Planning Commission finds that:

1. The proposed use at the location requested will not
  - a. Adversely affect the peace, health, safety, morals or welfare of persons residing or working in the surrounding area; or
  - b. Impair the utility or value of property of other persons located in the vicinity of the site; or
  - c. Be detrimental to public health, safety or general welfare; and
2. The proposed site is adequate in size and shape to accommodate the walls, fences, parking and loading facilities, landscaping and other development features prescribed in this title, or as is otherwise required in order to integrate said use with the uses in the surrounding areas; and
3. The proposed site is adequately served:
  - a. By highways or streets of sufficient width and improved as necessary to carry the kind and quality of traffic such use would generate; and
  - b. By other public or private service facilities as are required.

In accordance with the findings set forth above, a Conditional Use Permit to use the subject property for said purpose specified above and subject to each and all of the conditions hereinafter set forth is hereby granted. This Planning Commission expressly declares that it would not have granted this permit except upon and subject to each and all of said conditions, each and all of which conditions shall run with the land and be binding upon the owner and all subsequent owners of the subject property, and all persons who use the subject property for the use conditionally permitted hereby.

### CONDITIONS PRECEDENT

This Conditional Use Permit shall have no force or effect and the subject property shall not be used for the hereby permitted uses unless and until all things required by the below-enumerated precedent conditions shall have been performed or caused to be performed and this Resolution has been recorded with the County Recorder.

1. **Acceptance and Payment of Recording Fees.** The "Acceptance of Permit and Conditions" form shall be **signed, notarized, and returned** to the Department of City Planning within **60 days** from the date of issuance of the resolution granting the permit. *Failure to do so will result in this permit automatically expiring regardless of any other expiration date contained in this permit.* Fees for recording a Certificate of Permit with the Recorder for the County of Santa Clara must be submitted along with the Acceptance Form.

### CONCURRENT CONDITIONS

The subject property shall be maintained and utilized in compliance with the below-enumerated conditions throughout the life of the permit:

1. **Conformance with Plans.** Construction and development shall conform to approved development plans entitled "Holy Family Educational Center," last revised 4/14/03 on file with the Department of Planning Building and Code Enforcement.
2. **Nuisance.** This use shall be operated in a manner which does not create a public or private nuisance. Any such nuisance must be abated immediately upon notice by the City.
3. **Public Works:** A Development Clearance shall be obtained from the Public Works Department, Room 308, (408) 277-5161, and is subject to the following requirements (3-01268) to the satisfaction of the Director of Public Works.
  - a **Fees:** In accordance with City Ordinance all storm sewer area fees, sanitary sewer connection fees, and sewage treatment plant connection fees, less previous credits, are due and payable.
  - b **Geology:**
    - 1) A grading permit is required prior to the issuance of a Public Works Clearance. The construction operation shall control the discharge of pollutants (sediments) to the storm drain system from the site. An erosion control plan may be required with the grading application.
    - 2) The Project site is within the State of California Seismic Hazard Zone. A soil investigation report addressing the potential hazard of liquefaction must be submitted to, reviewed and approved by the Project Engineer and/or City Geologist prior to issuance of a grading permit or Public Works Clearance. The investigation should be consistent with the guidelines published by the State of California (CDMG Spec. Publ. 117) and the Southern California Earthquake Center ("SCEC" report). A recommended depth of 50 feet should be explored and evaluated in the investigation.
  - c **Storm:**
    - 1) Revise the grading/drainage plan to reflect those areas around the proposed structures prior to approval.
    - 2) Indicate the overload release path in arrows.
    - 3) The release path must be paved.
    - 4) On-site ponding must be less than one foot.
    - 5) Finished floor elevation must be one foot higher than overland release elevation.
  - d **Street Improvements:**
    - 1) Applicant shall be responsible to remove and replace curb, gutter, and sidewalk damaged during construction of the proposed project.
    - 2) Repair, overlay, or reconstruction of asphalt pavement may be required. The existing pavement will be evaluated with the street improvement plans and any necessary pavement restoration will be included as part of the final street improvement plans.

- e **Landscape.** Install street trees within the public right-of-way along the entire street frontage per City standards. The locations of the street trees will be determined at the street improvement stage. Contact the City Arborist at (408) 277-2756 for the designated street tree.
- 4. **Landscaping and Parking Lot Improvements.** All landscape improvements must be completed within one year of the occupancy of any of the new classroom facilities and/or prior to the issuance of a final building permit for the multi-purpose building or church addition components whichever comes first.
- 5. **Multi-purpose Building/Church Addition.** The architectural design of the multi-purpose building/church addition is not approved as part of this project. The proposed design is subject to further discretionary review by the City.
- 6. **Outside Storage.** No outside storage is permitted for the project except in areas designated on the approved plan set.
- 7. **Sign Approval.** No signs are approved at this time. All proposed signs shall be subject to approval by the Director of Planning.
- 8. **Colors and Materials.** All building colors and materials are to be those specified on the approved plan set.
- 9. **Building Clearance for Issuing Permits.** Prior to the issuance of a Building Permit, the following requirements must be met to the satisfaction of the Chief Building Official:
  - a. *Construction Plans.* This permit file number, CP02-057 shall be printed on all construction plans submitted to the Building Division.
  - b. *Emergency Address Card.* The project developer shall file an Emergency Address Card, Form 200-14, with the City of San José Police Department.
  - c. *Demolition.* This permit allows the demolition of an open-air pavilion structure and a portable building as shown on the approved plans.
  - d. *Compliance with Landscape Requirements.* The developer shall comply with the landscape installation timing requirements as set forth under condition no. 4 above.
  - e. *Subsequent Discretionary Permits Required.* The developer shall secure subsequent discretionary approvals for the architectural design of the church addition and multi-purpose building as noted in condition no. 5 above.
  - f. *Archaeology:* Pursuant to Section 7050.5 of the Health and Safety Code, and Section 5097.94 of the Public Resources Code of the State of California in the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner shall be notified and shall make a

determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he shall notify the Native American Heritage Commission who shall attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, then the land owner shall re-inter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.

10. **Fire Hydrants.** Public (off-site) and private (on-site) fire hydrants shall be provided as approved and at the exact location specified by Protection Engineering Section of the Fire Department to the satisfaction of the Fire Chief.
11. **Fire Hydrants and Driveways.** All fire hydrants shall be at least 10 feet from all driveways to the satisfaction of the Fire Chief.
12. **Fire Flow.** Required fire flow for the site is 2,750 gpm, or as otherwise approved in writing by the Fire Chief.
13. **Fire Lanes.** Fire lanes, suitably designated "FIRE LANE - NO PARKING," shall be provided to the satisfaction of the Fire Chief.
14. **Hazardous Materials.** Any hazardous materials regulated by Chapter 17.68 of the San José Municipal Code on the site must be used and stored within approved buildings and/or within areas specified on the approved plan set, if any, in full compliance with the City's Hazardous Material Ordinance and the Hazardous Materials Management Plan for the site approved by the San José Fire Prevention Bureau.
15. **Storm Water Management.** The project shall conform with the City of San José National Pollutant Discharge Elimination System (NPDES) Storm Water Permit and shall include Best Management Practices (BMPs) as specified in the Blueprint for a Clean Bay to control the discharge of storm water pollutants including sediments associated with construction activities. To obtain a copy of the booklet or other information about the NPDES permit requirements, please call the Department of Public Works at (408) 2377-5161.
  - a. **Inlet Filters.** The project developer shall install inlet filters or other approved storm water control measures, subject to the approval of the Director of Planning, in all on-site storm drainage inlets. These filters or other measures shall be installed, maintained and replaced by a qualified consultant hired by the property owner. Copies of all inspection and maintenance records shall be provided to the City upon request. The project developer shall implement a maintenance program for these inlet filters that includes but is not limited to the following measures:
    - 1) **Installation.** The inlet filters shall be installed by a qualified individual in conformance with the manufacturer's specifications. Installation records shall be maintained by the project developer and subsequent property owner.
    - 2) **Maintenance Record.** The property owner must keep a record available for inspection on the project site of all inspections and maintenance of the inlet filters.
    - 3) **Regular Sweeping.** Paved surfaces subject to runoff shall be swept regularly during dry periods to

remove dirt, silt and other loose debris.

- 4) Regular Inspections. The inlet filters shall be inspected monthly between September and April, and the absorbent material shall be replaced by a qualified individual as necessary to ensure the filters are functioning properly.
- 5) Replacement of Absorbent Material. The absorbent material shall be replaced by a qualified individual in conformance with the manufacturer's specifications. Care should be taken to avoid spilling the contaminated material into the drainage system.
- 6) Disposal of Used Absorbent Material. Used absorbent material shall be disposed of in conformance with all applicable local, state and federal regulations.
- 7) Replenishment of Absorbent Materials Supply. The property owner shall keep a sufficient amount of absorbent material on hand to replace the amount of installed absorbent material plus a reserve to handle emergencies.

- b. *Storm Water Stenciling.* All drain inlets shall be labeled "No Dumping--Flows to Bay." Please contact the City of San José, Department of Public Works, at (408) 277-5161 to obtain free stencils.

16. **Construction Impact Mitigation Measures.** Construction Impact Mitigation Measures. The developer shall implement the following construction impact mitigation measures for the duration of all construction activities associated with this project and related off-site construction work. Failure to comply with these conditions shall be cause for shutdown of the project until compliance can be ensured.

- a. *Hours.* Construction activities shall be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday for any on-site or off-site work within 500 feet of any residential unit, except that construction activities within fully enclosed buildings that do not generate any noise that is audible outside the building may be permitted on weekends between the hours of 7:00 a.m. and 7:00 p.m.
- b. *Deliveries.* Construction deliveries shall not occur outside the above construction hours. All deliveries shall be coordinated to ensure that no delivery vehicles arrive prior to the opening of the gates to prevent the disruption of nearby residents.
- c. *Fencing.* The site shall be wholly enclosed by temporary security fencing during the construction of the project. The gates to the project site shall remain locked during the hours when  
  
construction is not allowed, except for a fifteen minute period immediately preceding and following the above hours of construction.
- d. *Assembly Area.* Workers shall not arrive onto the site prior to 7:00 a.m, except that the applicant may designate a location away from adjacent residential units for workers to wait between 6:45 a.m. and the commencement of construction at 7:00 a.m.
- e. *Plans.* The construction hours shall be printed on all plans for the project used to construct the project.
- f. *Street Cleaning and Dust Control.* During construction, the developer shall damp sweep the public and private streets within and adjoining the project site each working day sufficient to remove all visible

debris and soil. On-site areas visible to the public from the public right-of-way shall be cleaned of debris, rubbish, and trash at least once a week. While the project is under construction, the developer shall implement effective dust control measures to prevent dust and other airborne matter from leaving the site.

- g. *Contract Documents.* These construction impact mitigation measures shall be included in all contract documents for the project to ensure full disclosure to contractors and subcontractors. In addition, the applicant/developer is responsible to ensure the following occur prior to the issuance of a Building Permit for the project:

- 1) Disturbance Coordinator. A Disturbance coordinator shall be identified by the developer for this project. The Disturbance coordinator shall be responsible for ensuring compliance with the hours of construction, site housekeeping, and other nuisance compliance conditions in this permit.
- 2) Daily Log. The Disturbance coordinator shall maintain a log of daily activities on the project, including but not limited to, verification of site closure activities, project cleanliness, complaints

on site activities and conditions and dates and times of the coordinators visits to the project if the coordinator is not solely responsible for this project site.

- 3) Telephone Number. A phone with answering machine for non-work hours shall be maintained during the duration of project construction. The phone number should be a local call for surrounding residents.
- 4) Posting. The name and phone number of the disturbance coordinator, the hours of construction limitations, City File Number CP00-03-008, an City contact and phone number (department and phone number), shall be displayed on a weatherproof sign posted at each entrance to the project site.

- h. *Non-Compliance.* The Director of Planning, Building and Code Enforcement may order an immediate halt to construction activities on the project site at any time that the Director determines that the project is not in substantial conformance with the requirements of this Permit. Within seven days of ordering such a halt to construction, the Director of Planning, Building and Code Enforcement shall issue a Notice to Noncompliance in conformance with Section 20.44.160 of Title 20 of the San Jose Municipal Code indicating the specific area(s) of noncompliance and providing notice that the Director may issue an Order to Show Cause why the development permit shall be revoked, suspended, or modified if the noncompliance is not corrected.

17. **Landscaping.** Planting and irrigation are to be provided, as indicated, on the final Approved Plan Set. Landscape areas shall be maintained and watered and dead plant material removed and replaced by the property owner. Irrigation shall be installed in accordance with Part 4 Chapter 15.10 of Title 15 of the San Jose Municipal Code, Water Efficient Landscape Standards for New and Rehabilitated Landscaping and the City of San Jose Landscape and Irrigation Guidelines.
18. **Refuse.** All trash areas shall be effectively screened from view and covered and maintained in an orderly state to prevent water from entering into the garbage container. No outdoor storage is allowed/permitted unless designated on the approved plan set. Trash areas shall be maintained in a manner to discourage illegal

dumping.

19. **Lighting.** On-site lighting shall use Low-Pressure Sodium fixtures and be designed, controlled and maintained so that no light source is visible from outside of the property. Electroliers shall not exceed 16 feet above grade.
20. **Roof Equipment.** All roof equipment shall be screened from view. Noise from mechanical equipment shall not exceed 55 db DNL at the adjacent residential property lines.
21. **Anti-Graffiti.** The applicant shall remove all graffiti from buildings and wall surfaces within 48 hours of defacement.
22. **Amplified Sound.** All amplified sound shall be contained within the building and the building shall be adequately insulated to prevent sound from emanating outside.
23. **Special Events.** No Special Events are approved at this time. All special events proposal would be subject to approval by the Director of Planning through a special use permit/adjustment permit process.
24. **No Increase in Student Enrollment Approved.** This project does not include approval of an increase in the student enrollment from its present level of 655 students.
25. **Simultaneous Use of Facilities.** The simultaneous use of the church sanctuary and the school is not permitted.
26. **Maximum Capacity for Church Related Uses.** The maximum capacity of the church sanctuary shall be limited to 708 people. Sunday school uses and/or other simultaneous weekend assembly activities shall be limited to an additional 200 people. In no case shall the site contain an overall occupancy greater than 908 people.

## CONDITIONS SUBSEQUENT

1. **Permit Expiration.** This Conditional Use Permit shall automatically expire two years from and after the date of adoption of the Resolution by the Planning Commission, or by the City Council on appeal, granting this Permit, if within such two-year period, the proposed use of this site or the construction of buildings has not commenced, pursuant to and in accordance with the provisions of this Conditional Use Permit. The date of adoption is the date the Resolution granting this Conditional Use Permit is approved by the Planning Commission. However, the Director of Planning may approve a Permit Adjustment to extend the validity of this Permit for a period of up to two years. The Permit Adjustment must be approved prior to the expiration of this Permit.
2. **Revocation, Suspension, Modification.** This Conditional Use Permit may be revoked, suspended or modified by the Planning Commission, or by the City Council on appeal, at any time regardless of who is the owner of the subject property or who has the right to possession thereof or who is using the same at such time,

whenever, after a noticed hearing in accordance with Part 3, Chapter 20.44, Title 20 of the San José Municipal Code it finds:

- a. A violation of any conditions of the Conditional Use Permit was not abated, corrected or rectified within the time specified on the notice of violation; or
- b. A violation of any City ordinance or State law was not abated, corrected or rectified within the time specified on the notice of violation; or
- c. The use as presently conducted creates a nuisance.